



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Health TITLE-SERIES: 64-115  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule:  
RULE NAME: 64-115 Diabetes Self-Management Education

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: 16-1-4

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

33-53-1(k)

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/2/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/3/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes the training requirements and procedures necessary for diabetes self-management education to be provided by properly trained health care practitioners in West Virginia.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

HB 4543 required DHHR to develop this rule to implement training requirements in consultation with the Coalition for Diabetes Management.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			0
Personal Services			0
Current Expenses			0
Repairs and Alterations			0
Assets			0
Other			0
2. Estimated Total Revenues			0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

April L Robertson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



**TITLE 64**  
**LEGISLATIVE RULE**  
**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

**SERIES 115**  
**DIABETES SELF-MANAGEMENT EDUCATION**

**§64-115-1. General.**

1.1. Scope -- This rule establishes the training requirements and procedures necessary for diabetes self-management education to be provided by properly trained health care practitioners in West Virginia.

1.2. Authority -- W. Va. Code §33-53-1(k) and §16-1-4.

1.3. Filing Date --

1.4. Effective Date --

1.5. Sunset Provision -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

**§64-115-2. Definitions.**

2.1. Commissioner -- The commissioner of the Bureau for Public Health of the West Virginia Department of Health and Human Resources.

2.2. Diabetes self-management education -- A diabetes self-management program currently recognized by the commissioner to educate patients diagnosed with diabetes in order to self-manage their condition.

2.3. Health care practitioner -- "Health care practitioner" or "practitioner" means a physician, pharmacist, nurse, registered dietitian, certified diabetes care and education specialist, or other health care practitioner who is licensed to perform specified medical or ancillary services within the scope of his or her license.

**§64-115-3. Diabetes Self-Management Education.**

3.1. Persons diagnosed with diabetes shall be provided the opportunity to receive diabetes self-management education in accordance with W. Va. Code §33-53-1.

3.2. Diabetes self-management education will be offered to persons diagnosed with diabetes as follows:

3.2.a. At diagnosis;

3.2.b. Annually and/or when not meeting treatment targets;

3.2.c. When complicating factors develop; and

3.2.d. When transitions in life and care occur.

3.3. Diabetes self-management education may be provided to a person diagnosed with diabetes individually or in a group as currently allowed by that educational program.

3.4. Diabetes self-management education shall be provided by a health care practitioner that has completed training as currently recognized by the sponsoring or accrediting institution of the educational program that is provided.

3.5. A current list of all diabetes self-management programs recognized by the commissioner shall be maintained by the Bureau for Public Health at [www.wvchronicdisease.org](http://www.wvchronicdisease.org), which shall include the name of the diabetes self-management program, the sponsoring or accrediting institution, and contact information for the program.

3.5.a. Diabetes self-management programs may offer telehealth education when resources are limited, and may otherwise communicate by telephone when patients lack access to broadband internet.

3.5.b. Diabetes self-management programs shall recommend one or more methods for the measurement of patient success, which may be used by the referring provider to evaluate patient success.

3.6. The Coalition for Diabetes Management may make recommendations to the Bureau for Public Health regarding the recognition of diabetes self-management programs by the commissioner.

3.7. The Bureau for Public Health shall review the list of diabetes self-management programs recognized by the commissioner at least annually.

**§64-115-4. Amendment.**

Amendments to this rule may be made after consultation with the Coalition for Diabetes Management.